

**OPINION
56-49**

March 13, 1956 (OPINION)

ELECTIONS

RE: Absent Voter's Law - Application to City Elections

We have received your letter of March 9, 1956, wherein you ask whether our absent voters law applies to city elections.

Section 16-1801 of the 1953 Supplement to the North Dakota Revised Code of 1943 reads as follows:

"ABSENT VOTER, WHO MAY VOTE. Any qualified elector of this state, who is absent from the county in which he is in the military or naval service or the merchant marines of the United States of America, and, is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters' ballot at any such election as hereinafter provided."

It is obvious from reading the above statute that the absent voters law refers only to general and primary elections. There is no law authorizing the use of an absent voter's ballot in a city election.

LESLIE R. BURGUM

Attorney General